



ARRIVED.

S. S. Gaelic, Finch, from the Orient, 8 a. m.
 Stmr. Kinau, Freeman, from Hilo and way ports, 10:45 a. m.
 Stmr. Kalulani, Bennett, from Molokai and Maui ports, 9 a. m.

Sunday, Nov. 27.

Stmr. W. G. Hall, Thompson, from Kauai ports, 5 a. m.
 Stmr. Claudine, Parker, from Maui ports, 3 p. m.

DEPARTED.

Monday, Nov. 28.

Schr. Mol Wahine, for Honolulu and Kohala, at 11 a. m.
 Stmr. Kalulani, Bennett, for Molokai and Maui ports, at 5 p. m.
 Stmr. Noeau, Tullett, for Kauai ports, at 5 p. m.
 Stmr. Ke Au Hou, Bruhn, for Maui and Hamakua ports, at 5 p. m.

PASSENGERS.

Arrived.

Per stmr. W. G. Hall, Nov. 27, from Kauai ports.—H. P. Baldwin, A. H. Crook, A. A. Wilson, Mrs. H. Hess, W. C. Bouteille, S. Lesser, J. C. Davies, Jas. Dougherty, Miss D. Kobbe, H. M. Gittell and 44 deck.

Per stmr. Claudine, Nov. 27, from Maui ports.—S. G. Wilder, E. R. Adams, R. O. Hogg, D. Conway, Thos. Dunn and wife, Max Lorenz, A. O. Stevens, W. H. Crozier, O. Ludloff, P. N. Kahokuoluna, John Chalmers, W. E. Shaw, W. A. Bailey, R. W. Sharpe, Mrs. De Rigo and child, S. B. Fujiyama, Y. Takakuwa, Wong Yau, V. J. Alencastre, J. H. S. Kaleo, Rev. S. K. Kaalua, L. M. Baldwin, J. H. Fuller, Mrs. C. Tetzlaff, Mrs. J. P. Sylvia, Mrs. John Huilui.

Per S. S. Gaelic, Nov. 26, from the Orient.—For Honolulu: L. Hundeshagen and Wong Hong Shee.

Per stmr. Kinau, Nov. 26, from Hilo and way ports.—F. H. Green, J. C. Parker, W. L. Castle, Mrs. Jelloore, H. F. Stipp, W. Williamson, J. L. Carter, Miss H. C. Hitchcock, Mrs. H. M. Snow and servant, Miss M. Ross, Major J. J. Kaps, C. M. White and children, Hon. P. P. Woods, H. H. Renton, Miss J. M. Barnard, Mrs. Emma Barnard, A. L. Duncan, E. P. Low, Ikua Purdy, W. D. Schmidt, John Gibb, Geo. H. Robertson, Father J. C. Biesel, Bro. Charles.

Departed.

Per S. S. Manahua, Nov. 26, for the Orient.—Dr. A. Hofer, A. H. Afong and wife, Mrs. R. Taubman, Rev. Paul Hinn and wife, Admiral Terry and wife, Miss Terry.

Per stmr. Kalulani, for Molokai and Maui ports, Nov. 28.—Mrs. L. B. Wood, Lau Tang, Dr. A. Mouritz.

SAIL TODAY.

Stmr. Kinau, Freeman, for Hilo and way ports, at noon.
 Stmr. Claudine, Parker, for Maui ports, at 5 p. m.
 Stmr. W. G. Hall, S. Thompson, for Kauai ports, at 5 p. m.

SAIL WEDNESDAY.

O. S. S. Alameda, Dowell, for San Francisco, may sail in morning.
 S. S. Siberia, Smith, for San Francisco, may sail in morning.

DUE TODAY.

S. S. Siberia, Smith, from the Orient, due this afternoon.

VESSELS IN PORT.

ARMY AND NAVY.

U. S. S. Iroquois, Niblack, Station vessel.

MERCHANT VESSELS.

Alameda, Am. S. S., Dowell, San Francisco, Nov. 25.
 Coronado, Am. bkt., Potter, San Francisco, Nov. 23.
 Erskine M. Phelps, Am. sp., Graham, Philadelphia, Aug. 31.
 George Curtis, Am. bk., Calhoun, S. F., Nov. 23.
 Herzogin Sophie Charlotte, Ger. sp., Wernecke, Leth, Nov. 16.
 Kalulani, Am. bk., Holly, San Francisco, Nov. 14.

The Mails.

Mails are due from the following points as follows:

San Francisco—Per Coptic, Dec. 3.
 Yokohama—Per Siberia, Nov. 29.
 Colon—Per Alameda, Dec. 4.
 Victoria—Per Moana, Dec. 17.
 Mails will depart as follows:
 San Francisco—Per Alameda, Nov. 30.
 Yokohama—Per Coptic, Dec. 3.
 Colon—Per Sonoma, Dec. 7.
 Victoria—Per Aorangi, Dec. 14.

BORN.

DICKINS—At Walluku, Maui, on Sunday, Nov. 20, 1904, to the wife of A. G. Dickins, a son.

PENHALLOW—At Pala Hospital, Maui, on Monday, Nov. 21, 1904, to the wife of H. B. Penhallow, a son.

DIED.

MEYER—At Walluku, Maui, Nov. 24, 1904, Mrs. Mary Meyer, beloved wife of D. L. Meyer, aged 44 years.

DO NOT BE INFLUENCED.

Never hesitate to say "NO" to your dealer if he offers you a substitute for Chamberlain's Cough Remedy. It has no equal on the market for the prompt cures of coughs, colds, croup and whooping cough and you make no mistake in buying this medicine. For sale by all Dealers and Druggists, Benson, Benson, Smith & Co., Ltd., Agents for Hawaii.

POLICE SUSPECT THE YOUNG HOTEL THIEF

The police are still engaged on the Young Hotel robbery case, but no arrests have yet been made. It is rumored that the police have about come to the conclusion as to the identity of the thief, but will obtain complete evidence before making an arrest. Detective Hatter is given credit for the evidence so far adduced.

A Chinese assault and battery case, involving a cross complaint of malicious injury, was heard in Judge Judd's court yesterday afternoon. The complaining witness, who had spent three days in jail, said the reason he had had the defendant arrested was because he did not separate him (complaining witness) from a man whom he alleged was battering him. The case ended in a general discharge of all hands.

Breakers of the Sabbath law were in court and all but one went free. The lone Oriental who was soaked preferred to plead not guilty and fight his case. The result was he was found guilty and fined \$25. The others pleaded guilty and sentence in their cases was suspended thirty days. The intention of the High Sheriff is to give everybody a chance to get familiar with the law before throwing offenders into the bastille.

Crap shooters lost to the Deputy High Sheriff who knew how to roll legal bones better than the real ivory. Each crapper lost \$5 to the deputy. One of the gamblers, Fushimura by name, is held on an additional charge of bribery, having attempted to induce policeman Frank Kane to release him on payment of \$3. He will now plead to the charge of bribery.

Owing to the grand jury having taken charge of the case, the charges of embezzlement against H. C. Mossman were stricken from the Police Court calendar.

The grand jury is to investigate the case of Teopelmann, who, since he was injured on the head more than a week ago, has been confined to a cot in the Queen's Hospital.

Hama Kenloha, who has frequently appeared in Police Court cases as defendant, was arrested yesterday and sent to the tanks on a charge of burglary in the second degree. He is alleged to have broken into a Japanese store. The owner caught Kealoha and held him until the police arrived.

A Japanese named Hunda is charged with having stabbed a countryman of his at Walluku on Friday night.

The case of W. A. McKay, charged with selling liquor without a license, was continued on motion of Deputy Sheriff Rawlins. The latter stated that two important witnesses for the prosecution were not to be found and he believed they had been induced to leave the city. It was understood the men were on Hawaii but would probably be returned on the Kauai.

Complaint was made to the police yesterday by Fujita that car 35 of the Rapid Transit Company had damaged his back on Beretania street. The complainant stated that he had a sick passenger in his vehicle and had stopped before a doctor's office to let the patient out when the car struck the back from the rear.

Kaukaeouli's Repairs.

The island schooner Kaukaeouli is on the ways being repaired. Many of the planks have been removed and the entire hull is being strengthened by new timbers.

GEAR TAKES BACK WATER

(Continued from page 1.)

swer to a question that the Attorney General was present on account of a letter he had received from the Governor—the letter which Governor Carter gave out for publication in the Advertiser—proceeded to deliver his ruling on the Governor's refusal to honor the subpoena, which he said he had reduced to writing so that all things might be clearly shown.

In the course of the deliverance it was argued at length that a defendant was entitled to have any person subpoenaed on his behalf, quoting from the Federal decision in the Aaron Burr case to show that even the President of the United States is not exempt from the process.

Reference was made to the Governor's admission that the court was of a co-ordinate department of the Territory, and the court represented that it was its department and not the executive's which had the construing of the laws. The local laws with regard to subpoenas were quoted, showing that here the process is issued in blank, that a clerk may insert the name of a witness and that the subpoena is obligatory upon the parties served therewith. On this the court says and concludes:

"Never before in this Territory, so far as the court knows, has any Governor of this Territory refused to comply with a subpoena and this question has not therefore arisen here. He certainly is not excepted by the terms of the statute which makes a subpoena obligatory upon the parties actually served. No martial law has been declared, as was the case in Pennsylvania, and the court is unable to find a substantial reason for the Governor's refusal to become a witness in this case.

"As to the materiality of the evidence sought to be obtained, that question is one for the court to pass upon. However, understanding clearly as I do that the chief executive has refused to obey the subpoena I am yet averse to having him brought into court to show cause why he should not be committed for contempt and will therefore order that the citation do not issue. In so doing I do not overlook the right of the defendant to have produced all material evidence for his defense. When the proper time comes I shall rule on the materiality of the testimony which it is alleged the Governor would give. Should it be held by the court that such testimony is not material the matter will end there. On the other hand, should the court hold that the testimony is material the prosecution will be compelled to admit as set forth in the motion that such facts are true, or, upon the refusal of the prosecution so to admit, the jury will be instructed to return a verdict of not guilty for a refusal to have afforded to the defendant his constitutional rights."

DIX SHOULD HAVE GOOD WEATHER

The transport Dix, with mules, burros and horses, was looked for yesterday from San Francisco. The vessel is now out eleven days. Although the transport may have met bad weather between here and the coast, the Pacific Ocean charts state that at this time of the year the Asiatic waters will be fairly free from typhoons and hurricanes. The transport is therefore likely to land her cargo in Manila in fairly good condition.

THE FUNDAMENTAL LAW OF HAWAII: A NEW LAW BOOK

Edited and Indexed By Lorrin A. Thurston and Published By the Hawaiian Gazette Company, Ltd.

The Hawaiian Gazette Company, Ltd., announce the publication of a book, edited and indexed by Lorrin A. Thurston, containing the several constitutions and other fundamental laws of earlier days, the annexation treaty, resolutions and procedure and the Organic Act.

The book contains 298 pages of text and 138 pages of index. It is printed in regulation law book type and style and is substantially bound in calf skin.

The price is \$5.

The scope and character of the book and the reasons for its publication are given in the preface, which is as follows:

PREFACE TO THE FUNDAMENTAL LAW OF HAWAII.

Congress has expressly enacted a law organizing Hawaii into a Territory, and extended the provisions of the United States Constitution to the Territory.

In a restricted sense, therefore, the United States Constitution and the Organic Act constitute Hawaii's fundamental law; but the Organic Act specifically re-enacts the great body of pre-existing Hawaiian statute law, which was based upon the several Hawaiian Constitutions and organic laws.

A large proportion of the law governing real estate, property and personal rights in Hawaii being based upon these early constitutions and laws; and precedents, decisions and court practice having grown out of them, it is necessary to consult them in order to have a comprehensive understanding of existing Hawaiian law. They are nearly all published, however, in books now out of print, and in scattered volumes, inaccessible to many, and inconveniently located for all. In fact, not even practicing lawyers in Hawaii can, except at considerable loss of time, place their hands on the laws and constitutions necessary for the study and decision of practical questions continually being presented to them.

Under these circumstances it is believed that the public interest requires the re-publication in convenient reference form of what may be called "the fundamental law of Hawaii." To meet this requirement the following constitutions, laws and documents have been compiled under the common title of "The Fundamental Law of Hawaii," viz:

1. The first Constitution of Kamehameha III, 1840, including the previously issued Bill of Rights.
2. The first laws of Hawaii, enacted under Kamehameha III, (1833-1842), published together in 1842.
3. The law creating and principles guiding the Land Commission.
4. The second Constitution of Kamehameha III, 1852.

Hawaiian Gazette Company, Honolulu, T. H.

Enclosed herewith find five dollars to pay for one copy of the Fundamental Law of Hawaii, which please send to

Name

Address

Cut this out and mail it to the Hawaiian Gazette Company, Honolulu, T. H. with \$5 and the Fundamental Laws of Hawaii will be immediately mailed to you, postage prepaid.

SAILOR KAUHI WAS DROWNED

The report of the drowning of Kauhi, a sailor of the steamer Helene at Papaikou, Hawaii, November 18, was received yesterday by High Sheriff Henry from Deputy Sheriff Fetter. The report includes statements by Captain Nelson, First Officer Wier, boatsteerer Solomon and seaman Kalanilui of the Helene. The deceased was about 22 years of age, married and resided at Alea. The report says:

"Kauhi was a sailor on board the S. S. Helene. On the morning of November 18 the Helene was discharging freight at Papaikou and Kauhi was working in one of the boats. While the boat was lying at Papaikou near the derrick a heavy sea came and swamped the boat. Four of the men jumped into the sea and swam towards the steamer, but Kauhi did not jump. He stayed in the boat until it drifted among the rocks, then he jumped out and swam towards shore. Some one threw a life-buoy to him and he made several attempts to catch it, but did not succeed. Immediately after that he sank and was not seen again that day. The undercurrent must have carried him away."

GOODS ON A DOCK DAMAGED

During Sunday's rainstorm nearly a thousand dollars' worth of freight landed from the ship George Curtis, on the Bishop dock, was damaged. Water-fronters say that few docks here are constructed in a way which will prevent water from running in under the sheds. There is no crown to the flooring and a rainfall generally sends the water to the central portions. The Oceanic dock has something of a dip toward the edge of the dock.

ROAD-BREAKING MACHINE HERE

In the freight landed from the Alameda is a heavy road-breaking machine consigned to the Territorial Government. The machine is mounted on heavy wheels, one in front and one at the rear, two being centrally located. The machine is not large but is very heavy. In the base are perforations through which steel spikes are placed. By a graduation of the front and rear wheels, the machine, being drawn by horses or a traction engine, rips up a hard road.

Rev. John W. Wadman will deliver a lecture on Thursday evening at the M. E. parsonage. The subject will be "Bushido." Tickets are now on sale at Trent & Co.'s and at the grocery store of C. J. Day & Co.

COURT NOTICES

HACKFELD VS. P. E. LAMAR.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, TERRITORY OF HAWAII—OCTOBER TERM, 1904.

H. Hackfeld & Company, Ltd., a Corporation, Plaintiff, vs. P. E. Lamar, Defendant, The Pioneer Mill Co., Ltd., a Corporation, Garnishee. ORDER OF COURT FOR PUBLICATION OF SUMMONS.

Upon reading and filing the affidavits of L. N. Baldwin, and D. H. Case, and, it appearing to me, therefrom that defendant P. E. Lamar, has removed from, and is now a non-resident of the Territory of Hawaii, and that he is now living in the city of San Francisco, State of California; and, it also appearing from said affidavits that a cause of action in assumpsit exists between said H. Hackfeld & Company, Ltd., as plaintiff, and said P. E. Lamar, as defendant, and

that said P. E. Lamar is a necessary party thereto; and, it further appearing that a summons has been duly issued in the above entitled case, and due and diligent inquiry and search made for said P. E. Lamar for the purpose of making personal service thereof upon him as defendant, but that same was not and could not be had for the reasons hereinabove stated, and by said affidavits made to appear:

Now, therefore, it is ordered that service of summons in this action be made upon the defendant, P. E. Lamar, by publication thereof in the Hawaiian Gazette, a semi-weekly newspaper, published in the English language in Honolulu, Oahu, Territory of Hawaii, and hereby designated as a newspaper suitable for the advertisement of notice of judicial proceedings; that such publication be had and made at least once a week for four consecutive months; and

It further appearing from a reading of said affidavits, that said defendant, P. E. Lamar, is located in and about the city of San Francisco, State of California;

It is further ordered and directed that a copy of the summons and complaint in the above entitled case be forwarded forthwith by being deposited in the United States Postoffice at Walluku, Maui, postpaid, directed to said P. E. Lamar, at San Francisco, State of California.

Service herein shall be deemed completed at the expiration of time prescribed by the order of this court, this cause to stand continued to, and be triable at, the regular March term 1905 of this court.

(Sgd.) A. N. KEPOIKAI, Judge of the Circuit Court, Second Judicial Circuit.

Attest: (Sgd.) EDMUND H. HART, Clerk, Second Circuit Court.

(Seal.) 2628

FORECLOSURES

MORTGAGEE'S NOTICE OF FORECLOSURE.

KOPAEA AND KAPAKI.

In accordance with the provisions of a certain mortgage made by Kopaea and Kapaki of Honolulu, Island of Oahu, Territory of Hawaii, to Samuel C. Allen, of said Honolulu, now deceased, dated July 12th, 1902, and recorded in the office of the Registry of Conveyances, Honolulu, Oahu, in Liber 237, on pages 242 and 243, notice is hereby given that the Executors and Trustees under the Will and of the Estate of said mortgagee intend to foreclose the same, in accordance with the terms of said mortgage and the Hawaiian laws, for condition broken, to wit, non-payment of principal and interest.

Notice is likewise given that after the expiration of three consecutive weeks from the date of the first publication of this notice, said Executors and Trustees of said mortgagee intend to and will foreclose said mortgage and will advertise for sale the property covered and conveyed thereby and will sell the same at public auction at the auction rooms of Jns. F. Morgan, on Kaahumanu street, in said Honolulu, on Saturday, December 3rd, 1904, at 12 o'clock noon of said day.

Following is the description of said property:

All of that piece or parcel of land situated at Puunui, Honolulu, Oahu, being a part of Royal Patent 3050 to H. A. Widemann; more particularly described as follows:

Apanas 43 and 45, block 3; beginning at the West corner of Apana 43; the same being the East corner of Apana 41 and running:

1. N. 52° E. 100 ft. along Puunui Road;

2. S. 38° E. 100 ft. along Apana 47;

3. S. 52° W. 100 ft. along Apanas 46 and 44;

4. N. 38° W. 100 ft. along Apana 41, to initial point, containing an area of 10,000 square feet and being the same premises conveyed to the aforesaid mortgagors by deed of W. C. Achi dated March 18th, 1902, and recorded in the office of the Registrar of Conveyances, Honolulu, Oahu, in Liber 234, pages 179 and 180.

Further particulars can be had of Kinney, McClanahan & Cooper, Judd Building, Honolulu.

Dated Honolulu, T. H., Nov. 5th, 1904.

BATHSHEBA M. ALLEN,

MARK P. ROBINSON,

JOSEPH O. CARTER,

PAUL MUEHLENDORF,

Executors and Trustees under the Will and of the Estate of Samuel C. Allen, deceased.

2640—Nov. 11, 12, 25, Dec. 2

SPARKLING

Heptol Split!

The most ideal LIVER, STOMACH and BOWEL REGULATOR and TONIC BEVERAGE.

Effervescent, Palatable and guaranteed harmless. It will immediately relieve and cure Biliousness, Constipation, Indigestion and Headache from any cause, overindulgence in eating, drinking or smoking.

A HEPTOL SPLIT

Occasionally before breakfast or other meals insures good health.

Directions: Contents of one bottle for Adults; drink while effervescent.

TRY IT

Price 15 cts. See our window display.

Hollister Drug Co

AGENTS.

FORT STREET.

EXTRAORDINARY OFFER

The INTER-OCEAN free for One Year.

By special arrangement we are enabled to offer the WEEKLY INTER-OCEAN, of Chicago, absolutely free of charge to all new subscribers to the HAWAIIAN GAZETTE (Semi-weekly), who send in their subscriptions between now and January 1st, 1905, such subscriptions to be for one year. This does not apply to renewals.

The WEEKLY INTER-OCEAN is the leading journal of the Middle West and in addition to its perfect news service has many new and valuable features among which are its Farm Department, Forestry and Floriculture, Care of the Horse, Boys and Girls page, International Sunday School Lesson, Home Health Club, Health and Beauty Hints, New Household Ideas, Practical Cookery, Latest Styles for all Ages, Best Fiction, full Crop and Market reports.

This is undoubtedly the greatest premium offer ever made in this Territory, being something of lasting, practical benefit to all who take advantage of it.

SEMI-WEEKLY HAWAIIAN GAZETTE for one year with Weekly Inter-Ocean for one year, both postpaid to our address for \$5.00 the regular price of the Gazette alone. Payable strictly in advance.

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Honolulu, Hawaii.